

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FRITZ W. ANDERSON,

Plaintiff,

vs.

HAROLD W. CLARKE, MR.
UTTEZHT, WSP and RODNEY
KRAUS,

Defendants.

NO. CV-06-5064-CI

REPORT AND RECOMMENDATION TO
DISMISS ACTION WITHOUT PREJUDICE

By Order filed October 6, 2006, the court directed Mr. Anderson to comply with the filing fee requirements of 28 U.S.C. § 1915(a)(2). Mr. Anderson did not comply and has filed nothing further in this action. Because Plaintiff has failed to pay the filing fee for this action or to comply with *in forma pauperis* requirements, **IT IS RECOMMENDED** this action be **DISMISSED without prejudice**.

OBJECTIONS

Any party may object to a magistrate judge's proposed findings, recommendations or report within ten (10) days following service with a copy thereof. Such party shall file with the District Court Executive all written objections, specifically identifying the portions to which objection is being made, and the basis therefor. Attention is directed to Fed. R. Civ. P. 6(e), which adds another

REPORT AND RECOMMENDATION TO DISMISS ACTION WITHOUT PREJUDICE -- 1

1 three (3) days from the date of mailing if service is by mail.

2 A district judge will make a *de novo* determination of those
3 portions to which objection is made and may accept, reject, or modify
4 the magistrate judge's determination. The district judge need not
5 conduct a new hearing or hear arguments and may consider the
6 magistrate judge's record and make an independent determination
7 thereon. The district judge may also receive further evidence or
8 recommit the matter to the magistrate judge with instructions. See 28
9 U.S.C. § 636(b)(1)(B) and (C), Fed. R. Civ. P. 73, and LMR 4, Local
10 Rules for the Eastern District of Washington. A magistrate judge's
11 recommendation cannot be appealed to a court of appeals; only the
12 district judge's order or judgment can be appealed.

13 The District Court Executive is directed to enter this Report and
14 Recommendation, SET A CASE MANAGEMENT DATE ACCORDINGLY, and forward a
15 copy to Plaintiff.

16 DATED October 30, 2006.

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18 S/ CYNTHIA IMBROGNO
19 UNITED STATES MAGISTRATE JUDGE
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